

Case Docket Entries

Court: **Circuit** County: **23 - Logan** Created Date: **2/8/2023** Security Level: **Public**
 Judge: **Kelly Codispoti** Case Type: **Civil** Case Sub-Type: **Other** Status: **Open**

Related Cases:

Style: **SONYA ROSS v. DIVERSIFIED GAS & OIL CORPORATION**

| | <u>Entered Date</u> | <u>Event</u> | <u>Ref. Code</u> | <u>Description</u> |
|----|----------------------|---|------------------|---|
| 1 | 2/8/2023 1:53:56 PM | E-Filed | | Complaint |
| | 1-1 2/8/2023 | Civil Case Information Statement | | |
| | 1-2 2/8/2023 | Complaint - SONYA ROSS, as Administratrix of the Estate of ROGER DALE ROSS, II vs. DIVERSIFIED GAS & OIL PRODUCTION, a Delaware Production and DIVERSIFIED PRODUCTION LLC, a Pennsylvania corporation | | |
| | 1-3 2/8/2023 | Transmittal | | |
| | 1-4 2/8/2023 | Summons | | |
| 2 | 2/8/2023 1:53:56 PM | Judge Assigned | J-23003 | Kelly Codispoti |
| 3 | 2/8/2023 1:53:56 PM | Party Added | P-001 | SONYA ROSS |
| 4 | 2/8/2023 1:53:56 PM | Party Added | D-001 | DIVERSIFIED GAS & OIL CORPORATION |
| 5 | 2/8/2023 1:53:56 PM | Party Added | D-002 | DIVERSIFIED PRODUCTION LLC |
| 6 | 2/8/2023 1:53:56 PM | Attorney Listed | P-001 | A-5872 - Brian R. Swiger |
| 7 | 2/8/2023 1:53:56 PM | Service Requested | D-001 | Secretary of State - Certified - Including Copy Fee cm to SOS for diversified gas & oil 70012510000533884133 |
| 8 | 2/8/2023 1:53:56 PM | Service Requested | D-002 | Secretary of State - Certified - Including Copy Fee to sos for diversified production llc 70001 2510 0005 3388 4126 |
| 9 | 2/8/2023 2:57:57 PM | E-Filed | | Supporting Documents - Exhibit A to Complaint - Verified Statement of JP Purswell-mailed with petition to SOS for service |
| | 9-1 2/8/2023 | Exhibit - Exhibit A to Complaint | | |
| | 9-2 2/8/2023 | Transmittal | | |
| 10 | 2/9/2023 10:23:37 AM | Attorney Listed | P-001 | A-7727 - Samuel A. Hrko |
| 11 | 2/9/2023 10:24:05 AM | Attorney Listed | P-001 | A-14242 - James Omer Bunn, III |
| 12 | 2/15/2023 9:25:07 AM | E-Docketed | | Service Return - GREEN CARD RETURN SOS (DIVERFIED PRODUCTS LLC.) |
| | 12-1 2/15/2023 | Service Return - GREEN CARD RETURN SOS (DIVERFIED PRODUCTS LLC.) | | |
| | 12-2 2/15/2023 | Transmittal | | |
| 13 | 2/15/2023 9:44:22 AM | E-Docketed | | Service Return - GREEN CARD RETURN BY SOS FOR DIVERSIFIED GAS & OIL 2-13-23 |
| | 13-1 2/15/2023 | Service Return - GREEN CARD RETURN BY SOS FOR DIVERSIFIED GAS & OIL 2-13-23 | | |
| | 13-2 2/15/2023 | Transmittal | | |
| 14 | 2/21/2023 3:21:58 PM | E-Docketed | | Supporting Documents - SOS ACCEPTANCE OF SERVICE FOR DIVERSIFIED GAS & OIL 2-13-23 |
| | 14-1 2/21/2023 | Supporting Document - SOS ACCEPTANCE OF SERVICE FO R DIVERSIFIED GAS & OIL 2-13-23 | | |
| | 14-2 2/21/2023 | Transmittal | | |
| 15 | 2/21/2023 3:25:24 PM | E-Docketed | | Supporting Documents - SOS ACCEPTANCE OF SERVICE FOR DIVERSIFIED PRODUCTION LLC 2-13-23 |
| | 15-1 2/21/2023 | Supporting Document - SOS ACCEPTANCE OF SERVICE FOR DIVERSIFIED PRODUCTION LLC 2-13-23 | | |
| | 15-2 2/21/2023 | Transmittal | | |
| 16 | 2/22/2023 2:43:32 PM | Document Emailed | | Court user emailed robin@persingerlaw.com document 9-1 - Exhibit - Exhibit A to Complaint |

SUMMONS

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA
SONYA ROSS v. DIVERSIFIED GAS & OIL CORPORATION

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: DIVERSIFIED PRODUCTION LLC, CT Corporation System, 5098 Washington Street, West - Suite 407, Charleston, WV 25313

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Brian Swiger, 209 Capitol Street, Charleston, WV 25301

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

2/8/2023 1:53:52 PM

Date

/s/ Mark McGrew

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick

Date

Server's Signature

RECEIVED FOR
CLERK OF COURT
FEB 14 7 22
LOGAN COUNTY
WEST VIRGINIA

EXHIBIT A

SUMMONS

CC-23-2023-C-16

Logan County Circuit Clerk
Mark McGrew

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA
SONYA ROSS v. DIVERSIFIED GAS & OIL CORPORATION

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: DIVERSIFIED GAS & OIL CORPORATION, CT Corporation System, 5098 Washington Street, West - Suite 407, Charleston,, WV 25313

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Brian Swiger, 209 Capitol Street, Charleston, WV 25301

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

2/8/2023 1:53:52 PM

Date _____

/s/ Mark McGrew

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick

Date _____

Server's Signature

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-14-2010 BY 60322
UCBAW/SJS/MLA

EXHIBIT A

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

**SONYA ROSS, as Administratrix of the
Estate of ROGER DALE ROSS, II,**

Plaintiff,

v.

**Civil Action No. 22-C- _____
(Judge _____)**

**DIVERSIFIED GAS & OIL
CORPORATION, a Delaware
corporation, and DIVERSIFIED
PRODUCTION, LLC, a Pennsylvania
corporation,**

Defendants.

COMPLAINT

NOW COMES, Plaintiff, Sonya Ross, as Administratrix of the Estate of Roger Dale Ross, II, by counsel, Brian R. Swiger, Samuel A. Hrko and Bailey & Glasser, PLLC and for her Complaint against Defendants, states as follows:

PARTIES

1. At all times relevant to this action, Roger Dale Ross, II (“Decedent”) was a resident of Lincoln County, West Virginia.
2. Sonya Ross, Decedent’s wife, is the duly appointed Administratrix of Decedent’s Estate which is being administered in Lincoln County, West Virginia.
3. Defendant, Diversified Gas & Oil Corporation, (“Diversified Gas & Oil”), is and at all times relevant was a Delaware corporation with its principal place of business in Charleston, West Virginia.

4. Defendant, Diversified Production, LLC, (“Diversified Production”), is and at all times relevant was a Pennsylvania limited liability company with its principal place of business in Charleston, West Virginia.

Jurisdiction and Venue

5. The Court has subject-matter jurisdiction over this action pursuant to W. Va. Const. art. VIII, § 6, and W. Va. Code § 51-2-2.

6. Venue in this Court is proper pursuant to W. Va. Code § 56-1-1, in that Defendants conduct substantial business in Logan County, West Virginia and the damages suffered by Plaintiff occurred in Logan County, West Virginia.

Allegations Common to All Counts

7. At all times relevant hereto, Decedent was employed by Diversified Gas & Oil as a well tender.

8. At all times relevant hereto, Diversified Production, LLC operated and maintained a gas well in Logan County, West Virginia more particularly described as Well Number 825420, API Number 47-045-01614, hereinafter referred to as the (“Subject Well”).

9. On or about, June 2, 2021, Decedent was working at the Subject Well, at the direction of his employer, Diversified Gas & Oil.

10. Upon information and belief, at approximately 11:40 a.m. Decedent arrived at the Subject Well to conduct maintenance activities.

11. Upon information and belief, on an earlier date Decedent had applied a soap substance to the Subject Well in efforts to increase production of gas from the well.

12. Upon information and belief, Decedent was at the Subject Well on June 2, 2021, to conduct an examination to determine if the soaping procedure had increased gas production from the well.

13. Upon information and belief, Decedent lifted the thief hatch of the liquid storage tank to see if soap bubbles were present in the tank.

14. Upon information and belief, the presence of soap bubbles in the tank would indicate that the soap substance was making its way from the bottom of the gas well back to the surface.

15. The tasks performed by Decedent were in furtherance of increasing production of gas from the Subject Well.

16. Upon opening the thief hatch, Decedent was exposed to hydrocarbon vapors.

17. Later that evening, Sonya Ross reported to Diversified Gas & Oil personnel that her husband had not arrived home from work.

18. Ultimately, Decedent's body was discovered atop a platform at the thief hatch of the liquid storage tank with his head partially in the hatch.

19. The State of West Virginia, Department of Health and Human Services, Office of the Chief Medical Examiner ("Medical Examiner") issued an Amended Report of Death Investigation and Post-Mortem Examination Findings, dated April 1, 2022.

20. The Medical Examiner determined that Decedent's cause of death was asphyxia due to exposure to hydrocarbon gases.

21. As a result of this incident, Decedent experienced conscious mental and physical pain and suffering, as well as personal injuries prior to his death.

22. The United States Department of Occupational Safety and Health Administration (“OSHA”) investigated the incident and cited Diversified Gas & Oil for violating 29 C.F.R. 1910.134(d)(iii), generally relating to its failure to identify and evaluate the respiratory hazards in the workplace.

23. On January 5, 2022, Diversified Gas & Oil entered into an informal settlement agreement whereby Diversified Gas & Oil agreed to correct the alleged violation and pay a \$10,850 penalty.

24. Sonya Ross, the wife of Decedent, has filed a claim for West Virginia Workers Compensation Death Benefits as a result of Decedent’s death.

COUNT I

DELIBERATE INTENT – DIVERSIFIED GAS & OIL CORPORATION

25. Plaintiff incorporates, repeats, and realleges each and every allegation contained in the foregoing paragraphs as though fully set forth herein.

26. On or about June 2, 2021, Decedent, as directed by his employer, Diversified Gas & Oil, acting by and through its officers, employees, and/or agents, undertook to perform his duties as a well tender at the Subject Well.

27. Decedent’s activities were aimed at increasing production of the Subject Well.

28. On and prior to June 2, 2021, Diversified Oil & Gas violated W. Va. Code § 23-4-2(d)(2)(B) in that:

(i) a specific unsafe working condition existed in the workplace which presented a high degree of risk and a strong probability of serious injury or death;

(ii) the employer, prior to the injury, had actual knowledge of the existence of the specific unsafe working condition and of the high degree of risk and the strong probability of serious injury or death presented by the specific unsafe working condition;

(iii) the specific unsafe working condition was a violation of a state or federal safety statute, rule or regulation, whether cited or not, or of a commonly accepted and well-known safety standard within the industry or business of the employer which rules, regulations and standards were specifically applicable to the work and working condition involved, and were intended to address the specific hazard(s) presented by the alleged specific unsafe working condition;¹

(iv) notwithstanding the existence of the facts set forth in subparagraphs (i) through (iii), inclusive, of this paragraph, the person or persons alleged to have actual knowledge under subparagraph (ii) nevertheless intentionally thereafter exposed an employee to the specific unsafe working condition; and

(v) Decedent suffered a serious compensable injury as defined in section one, article four, chapter twenty-three as a direct and proximate result of the specific unsafe working condition.

29. As a direct and proximate result of his exposure to the aforementioned specific unsafe working conditions and the above-described conduct of Diversified Gas & Oil, Plaintiff's Decedent has sustained injuries and damages for which she is entitled to recover pursuant to W. Va. Code § 23-4-2.

30. As a direct and proximate result of Diversified Gas & Oil's acts and/or failures to act, Decedent suffered death and Decedent's heirs and dependents are entitled to the enumerated damages set forth in W. Va. Code § 55-7-6, including, but not limited to:

¹ As it pertains to the alleged violations upon which Plaintiff avers will prove element (iii) of her claim, please see the verified statement of J.P. Purswell, Ph.D., P.E., C.P.E., an OSHA safety standards expert with over 20 years of knowledge and expertise of the workplace safety statutes, rules, regulations, and consensus industry safety standards, attached hereto as **EXHIBIT A**. Mr. Purswell's statement contains and describes (1) his knowledge and expertise of the applicable workplace safety statutes, rules, regulations and/or written consensus industry safety standards; (2) the specific unsafe working condition(s) that were the cause of the injury that is the basis of the complaints; and (3) the specific statutes, rules, regulations or written consensus safety standards violated by Diversified Gas & Oil Corporation that are directly related to the specific unsafe working conditions.

sorrow; mental anguish; loss of solace, society, companionship, comfort, guidance, kindly offices and advice of Decedent; and the reasonably expected loss of Decedent's income, services, protection, care and assistance. Plaintiff has also suffered reasonable funeral expenses attendant to Decedent's death.

31. As a direct and proximate result of Diversified Gas & Oil's wrongful acts, Diversified Gas & Oil is liable to Plaintiff for Decedent's wrongful death.

COUNT II

NEGLIGENCE – DIVERSIFIED PRODUCTION, LLC

32. Plaintiff incorporates, repeats, and realleges each and every allegation contained in the foregoing paragraphs as though fully set forth herein.

33. At all times relevant to this action Diversified Production owned and operated the Subject Well located in Logan County, West Virginia.

34. As the owner and operator of the Subject Well, Diversified Production owed Decedent the duty of providing him with a reasonably safe place to work and the duty to exercise ordinary care for Decedent's safety.

35. Upon information and belief, Diversified Production's officers, employees and/or agents designed and controlled the Subject Well and its associated liquid storage tank and through the exercise of reasonable diligence, should have recognized the possible danger of a well tender being exposed to toxic hydrocarbon vapors upon inspection of the contents of the tank through use of the thief hatch yet permitted such unsafe working conditions to persist at the Subject Well.

37. As a direct and proximate result of Diversified Production's acts and/or failures to act, Decedent suffered death and Decedent's heirs and dependents are entitled to the enumerated damages set forth in W. Va. Code § 55-7-6, including, but not limited to: sorrow; mental anguish; loss of solace, society, companionship, comfort, guidance, kindly offices and advice of Decedent; and the reasonably expected loss of Decedent's income, services, protection, care and assistance. Plaintiff has also suffered reasonable funeral expenses attendant to Decedent's death.

Relief Requested

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter judgment against Defendants, in an amount in excess of this Court's jurisdictional minimum, compensatory damages, punitive damages, pre-judgment interest and post-judgment interest, and any other relief that this Court deems just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury upon all issues raised herein triable by jury.

Respectfully submitted,

**SONYA ROSS, as Administratrix of the
Estate of ROGER DALE ROSS, II,**

Plaintiff,

By Counsel,

/s/ Brian R. Swiger

Brian R. Swiger (WV Bar #5872)

Samuel A. Hrko (WV Bar #7727)

James O. Bunn, III (WVSB #14242)

BAILEY GLASSER, LLP

209 Capitol Street

Charleston, West Virginia 25301

Telephone: (304) 345-6555

Facsimile: (304) 342-1110

bswiger@baileyglasser.com

shrko@baileyglasser.com

jbunn@baileyglasser.com




EXHIBIT A

VERIFIED STATEMENT PURSUANT TO W. Va. Code § 23-4-2(d)(2)(C)

STATE OF COLORADO,

COUNTY OF El Paso, to-wit:

The following is offered as a verified statement in the case of *Ross v. Diversified Gas & Oil Corporation, et al.* per W. Va. Code § 23-4-2(d)(2)(C).

I am only offering the following statement as it relates to the claim against Diversified Gas & Oil Corporation, Mr. Ross' employer. I have not been asked to address the claims against any other potential defendant or party associated with this matter.

I) I am the Vice President of Purswell & Purswell, Ergonomics & Safety Consulting in Colorado Springs, Colorado. I have held this position since 1999. I obtained a Ph.D. in Industrial and Systems Engineering (Human Factors Option) from the Virginia Polytechnic Institute and State University. I obtained this degree in 1997. Also, in 1989, I obtained an M.S. degree in Industrial Engineering from The University of Oklahoma. Further, I obtained B.S. degrees in Chemistry and Biology from Oklahoma Baptist University in 1986.

My professional experience with Purswell & Purswell includes, but is not limited to:

- Consulting with manufacturers, employers, and attorneys on ergonomics and safety issues;
- Performing hazard analyses of products for manufacturers;
- Consulting with manufacturers on the development of warnings and instructions for new and redesigned products;
- Consulting with employers on the design and implementation of OSHA compliant work practices to address safety hazards and to mitigate ergonomic risk factors;
- Advising clients on OSHA's citation practices of ergonomic hazards under the "General Duty" clause as well as on OSHA's citation policy with respect to multiemployer workplaces;
- Advising clients on how to access and interpret OSHA compliance directives (CPLs) for a given standard;
- Advising clients on the use of the CPSC's NEISS injury database and the OSHA accident investigation database;
- Performing usability assessments of products to identify areas of potential user errors due to sub-optimal design; and
- Performs consulting on railroad work methods.

Additionally, I have taught ergonomics and safety engineering. I have conducted research dealing with occupational safety, including OSHA policies and procedures, consumer

I hereby certify under penalties of perjury that the information contained in this statement is true to the best of my information and belief, and to the extent it is set forth upon belief I believe it to be true. The information contained in this statement is based upon my knowledge, training, experience, education and/or review of information. I reserve the right to alter, amend, supplement, and/or revise the information contained in this statement once discovery begins and additional information is received.



Jerry P. Purswell, Ph.D., P.E., CPE

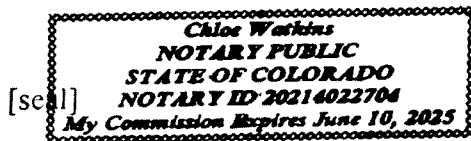
2/2/23


Date

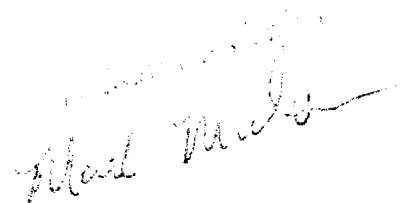
STATE OF Colorado

COUNTY OF El Paso, to-wit:

Taken, subscribed to and acknowledged before the undersigned authority by
Chloe Watkins this 2 day of February, 2023.




Notary Public



FILED | 2/15/2023 9:25 AM
CC-23-2023-C-16
Logan County Circuit Clerk
Mark McGrew

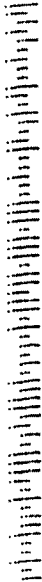


9590 9402 7637 2122 6123 68

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

MARK MC GREW
LOGAN COUNTY CIRCUIT CLERK
ROOM 311, COURTHOUSE
LOGAN, WV 25601



Mark McGrew

EXHIBIT A


| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|--|--|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>SOS</p> <p>13 KANAWHA BLVD WEST</p> <p>CHARLESTON, WV 25302</p> <p></p> <p>9590 9402 7637 2122 8123 68</p> <p>2. Article Number (Transfer from mailpiece label)</p> <p>7001 2510 0005 3388 4126</p> <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p> | | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Kristen Bryant</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>2/13/23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>23-c-16 rc</p> <p><i>Diversified Production LLC.</i></p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p>Domestic Return Receipt</p> | |

EXHIBIT A

FILED | 2/15/2023 9:44 AM
CC-23-2023-C-16
Logan County Circuit Clerk
Mark McGrew

USPS TRACKING #

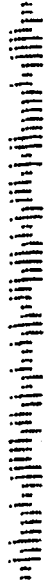


9590 9402 7637 2122 8123 51

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box®

MARKET STREET OFFICE
LOGAN COUNTY CIRCUIT COURT
ROOM 311, COURTHOUSE
LOGAN, WV 25601



ACCEPTED
FEB 15 2023

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: SECRETARY OF STATE 13 KANAWHA BLVD WEST CHARLESTON, WV 25302</p> | | <p>A. Signature <i>x [Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>3/13/23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>Diversified Oas & Oil</i> <i>23-C-16 - RC</i></p> | |
| <p>2. Article Number (Transfer from carrier label)</p> <p>9590 9402 7637 2122 8123 51</p> <p>7001 2510 0005 3388 4133</p> | | <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> | |
| PS Form 3811, July 2020 PSN 7530-02-000-9053 | | Domestic Return Receipt | |

EXHIBIT A

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8883
Visit us online:
www.wvsos.com

MARK MCGREW
CLERK OF THE CIRCUIT COURT OF LOGAN COUNTY
LOGAN COUNTY COURTHOUSE
Logan, WV 25601-3939

Control Number: 303018

Defendant: DIVERSIFIED GAS & OIL
CORPORATION
5098 WEST WASHINGTON STREET
SUITE 407
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Logan

Civil Action: 23-C-16

Certified Number: 92148901125134100003743273

Service Date: 2/14/2023

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

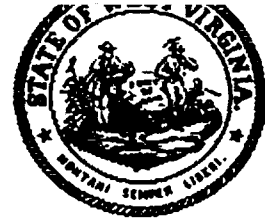
A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

EXHIBIT A

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

FILED 3/15/23 3:25 PM
CC-23-2023-C-16
Logan County Circuit Clerk
Mark McGrew



Mac Warner

Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

MARK MCGREW
CLERK OF THE CIRCUIT COURT OF LOGAN COUNTY
LOGAN COUNTY COURTHOUSE
Logan, WV 25601-3939

Control Number: 303019

Defendant: DIVERSIFIED PRODUCTION LLC
5098 WEST WASHINGTON STREET
SUITE 407
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Logan

Civil Action: 23-C-16

Certified Number: 92148901125134100003743280

Service Date: 2/14/2023

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

EXHIBIT A